

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In Re: Dharmesh Vinodari Mehta
and Renu Dharmesh Mehta

Case No. 12-11061-BFK
Chapter 7

GMAC Mortgage LLC, Movant (as
successor by merger to GMAC Mortgage
Corporation)

vs.

Dharmesh Vinodari Mehta
and Renu Dharmesh Mehta, Debtors
H. Jason Gold, Esq., Trustee
Respondents

**MOTION FOR RELIEF FROM AUTOMATIC STAY
Real Property at 4119 Woodlark Dr., Annandale, Virginia 22003**

Comes now GMAC Mortgage LLC, Movant (as successor by merger to GMAC Mortgage Corporation), herein, by Abby K. Moynihan, Esq., its attorney and respectfully represents:

1. This Motion is filed pursuant to 11 U.S.C. Sec. 362 d through f, and 28 U.S.C. Section 1334 and Section 157, giving this Court jurisdiction to grant relief from the Automatic Stay for cause and/or to prevent irreparable damage to the interest of a secured creditor in the property of the Debtors.

2. The Movant is the holder of a Note secured by a Deed of Trust dated April 30, 2007, and recorded among the land records of County of Fairfax, Virginia, and which encumbers the property of the Debtors at 4119 Woodlark Dr., Annandale, Virginia 22003, and described as follows:

Lot Numbered Thirty-Eight (38) of the Subdivision known as Section One, FAIRFAX HILLS, as per deed of dedication thereof dated March 27, 1941, and recorded in Liber S. No.14, page 551 of the land records of Fairfax County, Virginia and Plat thereof recorded in Plat Book No. 4 Pages 91 and 92 of the land records of said County.

3. The loan is in default. The current debt owed to the Movant is approximately \$1,652,717.75 and includes: a principal balance of \$1,479,630.46, and a payment shortage of 172,361.29, and current bankruptcy legal fees and costs of \$726.00.

4. Pursuant to the Fairfax County property assessment website, the current market value is listed at \$1,441,240.00 for the real property.

5. The Movant contends therefore that there is no equity in the real property above the secured debt and that the real property has no value to the bankruptcy estate.

6. The Movant further contends that it is inadequately protected by the Debtors' failure to make the monthly payments which include an escrow for taxes and insurance for the months of September 2010 to present.

WHEREFORE, the Movant prays this Honorable Court to issue an Order

1. Terminating the Automatic Stay as to the property of the Debtors located at 4119 Woodlark Dr., Annandale, Virginia 22003, so that the Movant can commence/resume foreclosure proceedings under the provisions of its Deed of Trust; provided however, that any surplus proceeds, after the satisfaction of the Movant's debt and the payment of sale costs, shall be paid to the bankruptcy trustee for distribution through the bankruptcy estate.

2. Grant such other and further relief as necessary.

NOTICE

Please take notice that the defendant herein is required to file an answer to this Motion with the Clerk, U.S. Bankruptcy Court, 200 S Washington Street, Alexandria, Virginia 22314-5405, within **fourteen (14)** days of the date of service hereof.

If you do not file a written response by the deadline indicated, the law provides that the stay protecting you from further legal action against you by the Creditor will automatically terminate.

/s/ Abby K. Moynihan, Esq.
Attorney for Movant
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Laurel, MD 20707
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed, first class, postage prepaid, on February 27, 2012, to Dharmesh Vinodari Mehta at 4119 Woodlark Dr. , Annandale, Virginia 22003-2343 and Renu Dharmesh Mehta at 4119 Woodlark Dr., Annandale, Virginia 22003-2343. Copies were sent electronically via the CM/ECF system to Steven B. Ramsdell, Esq., Attorney for Debtors and H. Jason Gold, Esq., Trustee.

/s/ Abby K. Moynihan, Esq.